

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COUNTY OF LaSALLE, ILLINOIS, DEPARTMENT)
OF HIGHWAYS and CITY OF STREATOR,)
ILLINOIS,)

Petitioners,)

v.)

No. T04-0069

BURLINGTON NORTHERN AND SANTA FE)
RAILWAY COMPANY and STATE OF ILLINOIS)
DEPARTMENT OF TRANSPORTATION,)

Respondents.)

RECEIVED

NOV 6 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for an order of the Illinois Commerce)
Commission authorizing the replacement of the)
structure where E. Broadway Street goes over)
the tracks of the Burlington Northern Santa Fe)
Railway Company and the SB Warehousing , Inc.)
in Streator, LaSalle County, Illinois apportioning)
costs thereof and directing an appropriate portion)
thereof to be borne by the Grade Crossing)
Protection Fund.)

MOTION TO WITHDRAW SUPPLEMENTAL PETITION

Now comes respondent and supplemental petitioner, BNSF Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and moves the Illinois Commerce Commission for an order granting BNSF leave to withdraw its supplemental petition filed with the Illinois Commerce Commission on March 23, 2006. In support whereof, BNSF states as follows:


1. On March 23, 2006 BNSF filed its supplemental petition requesting that any order by the Illinois Commerce Commission authorizing the reconstruction of the Broadway Street overpass, include as a reimbursable cost, the cost of the railroad engineering project coordinator.
2. BNSF does hereby withdraw its supplemental petition.

DOCKETED

NOV - 8 2006

Wherefore, BNSF Railway Company prays that the Illinois Commerce Commission enter an order granting BNSF Railway Company's motion to withdraw its supplemental petition.

KENNETH J. WYSOGLAD & ASSOCIATES



Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent and Supplemental Petitioner
BNSF Railway Company
118 S. Clinton Street, Suite 700
Chicago, IL 60661
(312) 441-0333

PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 2 day of NOVEMBER, 2006, he caused to be served, a true and correct copy of **MOTION TO WITHDRAW SUPPLEMENTAL PETITION** upon:

Mr. Lawrence J. Kinzer
LaSalle County Highway Department
P.O. Box 128
1400 North 27th Road
Ottawa, IL 61350

Mr. Ray Schmitt
Mayor, City of Streator
204 S. Bloomington Street
Streator, Illinois 61364-2903

Ms. Pamela K. Leonard
Clerk, City of Streator
204 S. Bloomington Street
Streator, Illinois 61364-2903

Mr. Milton R. Sees, P.E., Director of Highways, Chief Engineer
ATTN: Mr. Jeff Harpring
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 204
Springfield, IL 62764

Mr. Henry Humphries
Railroad Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62706

Mr. Troy D. Holland
LaSalle County Assistant States Attorney
707 Etna Road
Ottawa, IL 61350

by depositing same in the U.S. Mail depository located at Chicago, Illinois in an envelope(s)
with first-class postage, prepaid.

